

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO.180 OF 1998

CHIMAN NATHA SOLANKI & ORS.

VERSUS

THE STATE OF GUJARAT & ORS.

Appearance:

MR AH DESAI for Petitioners

CORAM: MR.JUSTICE S.K.KESHOTE

Date of Order: 23/01/1998

C.A.V. ORDER

Heard learned counsel for the petitioners.

2. Twofold prayers have been made by petitioners in this Special Civil Application. First prayer has been made for direction to the respondents and specifically the respondent No.4 not to terminate the services of the petitioners. Second prayer has been made for direction to the aforesaid respondents to regularize the services of the petitioners and as such, consequential prayer has been made for restraining the respondent No.4 from enforcing the contract labour system on the petitioners.

3. So, in the prayers, the petitioners have given out impression as if their services were not terminated and the respondent No.4 is going to terminate their services, but if we go by pleadings, it is clearly borne out that the services of the petitioners were brought to an end from 1st January 1998. So the challenge is basically to the action of the respondents under which their services have been terminated. The question of regularization is only consequential. The petitioners are 'workmen' and the respondent No.4 is an 'industry' and as such, in case their services have been terminated illegally, then they have efficacious alternative remedy available under the provisions of the Industrial Disputes Act, 1947. Instead of approaching this Court, the petitioners should have raised an industrial dispute before the appropriate authority. The respondent No.4 is a Company and the petitioners are unable to show it is amenable to the writ

jurisdiction of this Court under Article 226 of the Constitution of India. It is not pleaded by petitioners, or case of the petitioners, that the said Company is amenable to the writ jurisdiction of this Court. In view of this fact, the appropriate and efficacious remedy for the petitioners is to raise industrial dispute in the present case.

3. Taking into consideration the totality of the facts of this case, this writ petition is dismissed. However, dismissal of this writ petition will not come in the way of the petitioners to raise industrial dispute against their termination of services, as what they have alleged in this Special Civil Application.

(S.K.Keshote, J)

(sunil)